

# SITE PLAN / SPECIAL PERMIT APPLICATION

WESTPORT PLANNING and ZONING COMMISSION



**SITE PLAN**



**SPECIAL PERMIT & SITE PLAN**



**CAM SITE PLAN**

## FOR OFFICE USE ONLY

Application # 19-004

Submission Date: 1-28-19

Receipt Date: 2-7-19

Fee: 660.00

*paid ck ✓*

1. Property Address (as listed in the Assessor's records) 1480 Post Road East
2. Property ID# (9 Digits - staff will provide) H09016000 Zone: GBD and Res A
3. This property is connected to: ☐ Septic or ☒ Sewer
4. Does this project involve demolition of structures 50+ yrs old or more? ☐ No ☒ If Yes = Visit HDC Rm 108, 341-1184.
5. Applicant's Name 1480 PRE Associates, LLC Daytime Tel # 203-259-5505
- Applicant's Full Address 253 Riverside Avenue, Westport, CT Zip Code 06880
- E-Mail: c/o csmith@alterpearson.com

**NOTE:** Below List Owner's Name(s) as it appears on the **DEED** (No abbreviations) If more space needed submit list.

6. Property Owner's Name Alan Thoele Daytime Tel # \_\_\_\_\_
- Property Owner's Address 57 Beechwood Lane, Fairfield, CT Zip Code: 06825
- E-Mail: \_\_\_\_\_
7. Agent's Name (if different): Christopher J. Smith, Esq. Daytime Tel # 860-652-4020
- Agent's Address Alter & Pearson, LLC, 701 Hebron Avenue, Glastonbury, CT Zip Code: 06033
- E-Mail: csmith@alterpearson.com
8. Zoning Board of Appeals Case # (if any) n/a
9. Existing Uses of Property: Commercial septic system contractor use.
10. Describe Proposed Project: Please see attached letter from Christopher Smith, Esq. dated January 28, 2019 attached hereto as Exhibit A.

11. For Special Permits, please indicate the Special Permit Use and the specific section of the Zoning Regulations requiring a Special Permit for this use: n/a

12. This property ☐ Is ☒ Is Not within 500 feet of an adjoining municipality.

13. List your Estimated time needed for your presentation at hearing: 2 1/2 hours

The P&Z Director, his/her designee, or the P&Z Commission may require an applicant to pay for hiring one or more outside consultants to assist the P&Z staff and Commission in analyzing, reviewing and reporting on areas requiring technical review.

I hereby certify that the above information is correct and that I have submitted herewith all of the pertinent documentation required by the zoning application.

1480 PRE Associates, LLC

**Applicant's Signature** ( If different than owner )

See attached authorization letter.

**Owner's Signature** ( Must be signed <sup>1</sup> )

1. If the applicant is unable to obtain the signature of property owner, a letter of authorization signed by the property owner may be submitted instead, as per §43-3.3

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<b>FLOOR AREA and PARKING SPACES</b> <i>For This TENANT SPACE</i>	<b><u>REQUIRED</u></b>	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>COMMENTS</u></b>
<b>Address</b> _____				
<b>Office</b> - Floor area (1:250)				
<b>Healthcare Professional</b> floor area (1:200)				
<b>Retail</b> - Floor area (1:180)				
<b>Medical</b> - Floor area (1:165)				
<b>Patron Bar</b> - Floor area (1:20)				
<b>Rest. Patron</b> - Floor area (1:50)				
<b>Non Patron</b> - Floor area (1:500)				
<b>Apartment</b> - # of bedrooms (varies)				
<b>Bank Office</b> - (1:250)				
<b>Bank Customer Area</b> - (1:220)				
<b>Other</b> - (Explain):				
<b>Size of Parking Spaces:</b> Standard (9' x 18):				
Small (8' x 16' min):				
Handicapped:				
<b>Loading Spaces:</b> Number and Size:				

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Alan Thoele  
57 Beechwood Lane  
Fairfield, CT 06825

January 28, 2019

Mr. Paul Lebowitz, Chair,  
and Members  
Planning and Zoning Commission  
Town of Westport  
110 Myrtle Avenue  
Westport, CT 06880

RE: 1480 Post Road East, Westport, Connecticut

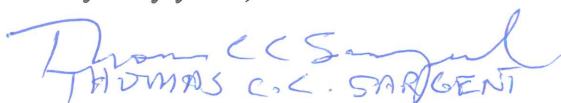
Dear Chairman Lebowitz and Commission Members:

I am the current owner of real property located at 1480 Post Road East (Assessor's Map Designation H09//016/000/) in Westport, Connecticut ("the Property"). 1480 PRE Associates, LLC is under contract to purchase the Property.

1480 PRE Associates, LLC is filing herewith applications for site plan approval and related text amendments to the Westport Zoning Regulations to permit a multi-family residential community on the Property. These applications are being filed, as provided by Section 8-30g of the Connecticut General Statutes governing "Affordable Housing Land Use Appeals Procedure". I hereby authorize 1480 PRE Associates, LLC and its attorneys at Alter & Pearson, LLC to pursue all necessary applications for approvals and permits required from the Town of Westport regarding the proposed multi-family residential community.

Thank you for your consideration concerning this matter.

Very truly yours,

  
THOMAS C.C. SARGENT

By \_\_\_\_\_  
Alan Thoele

Pursuant to Power of Attorney, Dated 1/21/19

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**EXPLANATORY STATEMENT FOR ZONE TEXT AMENDMENT AND SITE PLAN PROPOSAL**

**The zone text amendment and site plan applications are submitted pursuant to and in compliance with the provisions of Section 8-30g of the Connecticut General Statutes, "Affordable Housing Land Use Appeals Procedure."**

**I. Overview:**

The undersigned firm represents 1480 PRE Associates, LLC ("Applicant") concerning the above-referenced application. The application pertains to real property known as 1480 Post Road East, located in Westport, Connecticut ("subject property"). The Applicant is the contract purchaser of the subject property. The new residential community will have an affordable or workforce housing component, as provided by Section 8-30g of the Connecticut General Statutes ("Section 8-30g"). This workforce housing component will provide housing opportunities for mixed-income families. There is a demand for such housing opportunities in the Town of Westport. The subject property comprises approximately 1.62 acres and it is located within the General Business Zone District ("GBD"). A small area of the rear or back portion of the subject property is located within the Residence A Zone District ("RA"). The property is fully developed with a commercial septic system contractor use that includes a single building with associated parking area. The proposed multi-family residential community will have eighteen (18) one bedroom apartments and fourteen (14) two bedroom apartments. There are 65 parking spaces provided.

The proposal includes an affordable or workforce housing component, as provided by Section 8-30g. The proposal provides that thirty percent (30%) of the total number of dwellings (ten dwellings) will qualify as workforce housing, as provided by Section 8-30g. Specifically, the proposal provides for five (5) dwellings to be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less of income, where such income is less than or equal to eighty (80%) percent of the median income, as defined by Section 8-30g. Five (5) dwellings will be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less income, where such income is less than or equal to sixty (60%) percent of the median income, as defined by Section 8-30g. These rental prices target families with incomes comparable to many of Westport's municipal and board of education employees. There will be restricted deed covenants to ensure that these dwellings are rented at such prices. The deed covenants will restrict these dwellings for a period of forty years, as provided by Section 8-30g. For purposes of this proposal, the deed restricted dwellings are

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referred to as “workforce homes.” This affordable or workforce housing component results in greater housing opportunities for the citizens of Westport.

II. The subject two-part land use application proposal:

A. Proposed new “Inclusionary Multi-Family Dwellings with a Housing Opportunity or Workforce Housing Component”, to be added to Section 32, entitled “Supplementary Use Regulations”, of the Zoning Regulations of the Town of Westport:

Westport’s current Zoning Regulations do not permit the proposed residential community. Therefore, the Applicant proposes a zone text amendment that creates a new inclusionary multi-family residential rental community use with an affordable component – new Section 32-12A - under the “Supplementary Use Regulations” of Westport Zoning Regulations. The Applicant also proposes to amend, if the Commission determines necessary for clarification, the provisions of the Regulations governing RA and GBD Zone Districts, to reference this new multi-family use within these Districts, as provided by the proposed new Section 32-12A. The intent of the proposed text amendments is to permit the adaptive reuse or redevelopment of properties located within the GBD, or within both the GBD and RA Zoning Districts, while providing an affordable or workforce housing component pursuant to Section 8-30g. For example, the Applicant’s proposal provides that thirty (30%) of the total number of dwellings, or ten (10) dwellings, will be rented at certain prices for a period of forty years, as provided by Section 8-30g.

B. Site Plan:

Simultaneously with filing the subject zone text amendment, the Applicant requests site plan approval. The site plan proposal complies with the requirements, including filing requirements, of the proposed text amendment and Section 8-30g.

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**ALTER  
&  
PEARSON, LLC**

ATTORNEYS AT LAW

Christopher J. Smith  
csmith@alterpearson.com

701 Hebron Avenue  
P.O. Box 1530  
Glastonbury, CT 06033

860.652.4020 TELEPHONE  
860.652.4022 FACSIMILE

January 28, 2019

**Hand Delivery**

Chairman Paul Lebowitz, and  
Westport Planning and Zoning Commission  
c/o Mary Young, Planning & Zoning Director  
Westport Town Hall  
110 Myrtle Avenue, Room 203  
Westport, CT 06880

Re: Two-part application for: (1) zone text amendment to create a new Inclusionary Multi-Family Dwellings with a Housing Opportunity or Workforce Housing Component, Under Proposed New Section 32-12A, and related amendment language; and (2) application for site plan approval to permit a thirty-two (32) multi-family dwelling residential community on real property known as 1480 Post Road East, Westport, Connecticut; Assessor's Map Designation: H09/016/000 ("subject property"). (This two-part application is referred to as "application".)

Applicant: 1480 PRE Associates, LLC ("Contract Purchaser").

This application is submitted pursuant to and in compliance with the provisions of Section 8-30g of the Connecticut General Statutes, "Affordable Housing Land Use Appeals Procedure."

Dear Chairman Lebowitz and Members of the Commission:

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mixed-income families. There is a demand for such housing opportunities in the Town of Westport.

*I. Overview:*

*A. The Proposal:*

The subject property comprises approximately 1.62 acres and it is located within the General Business Zone District ("GBD"). A small area of the rear or back portion of the subject property is located within the Residence A Zone District ("RA").

The property is fully developed with a commercial septic system contractor use that includes a single building with associated parking area. The building is currently served by public water and has access to the public sewer. There is more than adequate sewer capacity to serve the proposed residential community.

The proposed multi-family residential community will have eighteen (18) one bedroom apartments and fourteen (14) two bedroom apartments. There are 65 parking spaces provided.

The proposed residential community comprises rental dwellings. The community will have an internal driveway system with full service access on a public street. The community's internal driveway and parking system will be private.

An application for approval of "regulated activities" associated with the adaptive reuse and redevelopment of the subject property is being filed with the Conservation Commission of the Town of Westport contemporaneously with the subject application.

The property's stormwater runoff is currently not treated prior to being discharged from the property. The subject proposal will provide for enhanced stormwater quality measures whereby the post-construction stormwater will be collected and treated prior to discharge into the municipal stormwater system.

The proposed residential community will continue to utilize the same public water services currently serving the subject property.

The subject property is not located in a public water supply watershed or aquifer protection area. No portion of the subject property is within five hundred feet of the boundary of

Chairman Paul Lebowitz, and  
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c/o Mary Young  
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an adjoining municipality. No significant portion of the traffic relating to the proposed development will use streets within an adjoining municipality to enter or exit the site. No significant portion of the sewer or water drainage from the site will flow through and significantly impact the drainage or sewerage system within an adjoining municipality. No water runoff from the improved site will impact streets or other municipal or private property within an adjoining municipality.

The proposal includes an affordable or workforce housing component, as provided by Section 8-30g. The proposal provides that thirty percent (30%) of the total number of dwellings (ten dwellings) will qualify as workforce housing, as provided by Section 8-30g. Specifically, the proposal provides for five (5) dwellings to be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less of income, where such income is less than or equal to eighty (80%) percent of the median income, as defined by Section 8-30g. Five (5) dwellings will be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less income, where such income is less than or equal to sixty (60%) percent of the median income, as defined by Section 8-30g. These rental prices target families with incomes comparable to many of Westport's municipal and board of education employees. There will be restricted deed covenants to ensure that these dwellings are rented at such prices. The deed covenants will restrict these dwellings for a period of forty years, as provided by Section 8-30g. For purposes of this proposal, the deed restricted dwellings are referred to as "workforce homes." This affordable or workforce housing component results in greater housing opportunities for the citizens of Westport.

*B. Workforce Housing Need:*

Section 8-30g of the Connecticut General Statutes, Connecticut's Affordable Housing Land Use Appeals Act, has been in place for more than 20 years, and during that time, a model for zoning approvals for mixed-income development under the Act has been used successfully across the state in municipalities, including Bethany, Oxford, Milford, Madison, Newtown, Wallingford, Darien, Avon, Monroe, New Milford, Newtown, Norwalk, Orange, Ridgefield, Simsbury, Westport, Hamden, Fairfield and Wilton. This proposal follows this established model where the applicant applies for: (1) the adoption of zone text amendments permitting a proposed inclusionary multi-family residential use with an affordable component; and (2) site plan approval for the development. This two-part application process ensures that the site plan is governed by a clear set of land use and dimensional regulations.



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Westport Planning and Zoning Commission  
c/o Mary Young  
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The proposed regulations include provisions for administrative rules for the apartments that will be subject to long-term rent restrictions, and these rules are spelled out further in an accompanying Housing Affordability Plan.

The Town of Westport, like other municipalities in the region, has an acute need for more housing, in particular rental housing, that is available to moderate income households.

Although the so-called “Ten Percent List,” maintained by the Connecticut Department of Housing (“DOH”) to identify which municipalities are permanently exempt from General Statutes § 8-30g, is not strictly speaking a measure of housing need, it is an indication of a municipality’s lower-cost housing stock relative to other municipalities in the state. In this regard, Westport has approximately 10,399 dwellings. With only 3.57 percent of the Town’s housing stock being governmentally-assisted or deed-restricted in compliance with § 8-30g, as shown on the 2017 Affordable Housing Appeals List, Westport’s affordable housing supply falls far short of the ten percent exemption threshold. It should be noted that the Town is seeking approval of a moratorium under Section 8-30g. However, as of this date, the Town’s request has not been acted upon by DOH, nor has any decision by DOH been published in the Connecticut Law Journal, as provided by law.

II. The subject two-part land use application proposal:

A. Proposed new “Inclusionary Multi-Family Dwellings with a Housing Opportunity or Workforce Housing Component”, to be added to Section 32, entitled “Supplementary Use Regulations”, of the Zoning Regulations of the Town of Westport:

Westport’s current Zoning Regulations do not permit the proposed residential community. Therefore, the Applicant proposes a zone text amendment that creates a new inclusionary multi-family residential rental community use with an affordable component – new Section 32-12A - under the “Supplementary Use Regulations” of Westport Zoning Regulations. The Applicant also proposes to amend, if the Commission determines necessary for clarification, the provisions of the Regulations governing RA and GBD Zone Districts, to reference this new multi-family use within these Districts, as provided by the proposed new Section 32-12A. The intent of the proposed text amendments is to permit the adaptive reuse or redevelopment of properties located within the GBD, or within both the GBD and RA Zoning Districts, while providing an affordable or workforce housing component pursuant to Section 8-30g. For example, the Applicant’s proposal provides that thirty (30%) of the total number of dwellings, or

Chairman Paul Lebowitz, and  
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c/o Mary Young  
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ten (10) dwellings, will be rented at certain prices for a period of forty years, as provided by Section 8-30g.

*B. Site Plan:*

Simultaneously with filing the subject zone text amendment, the Applicant requests site plan approval. The site plan proposal complies with the requirements, including filing requirements, of the proposed text amendment and Section 8-30g.

*III. Conclusion:*

In support of this proposal, the Applicant respectfully submits the following documentation:

1. Two-part application for: (a) zone text amendment; and (b) site plan approval.
2. Statement of Use, as provided for in this document.
3. Draft "Inclusionary Multi-Family Dwellings with a Housing Opportunity or Workforce Housing Component", with related language, zone text amendment.
4. "Housing Affordability Plan for Household Income and Rental Price Restrictions for Workforce Homes, Mixed Income Units, Submission Draft, January 2019".
5. A proposed conceptual site development plan.
6. Requisite filing fees. Any additional filing fees will be submitted once determined by the Commission's professional staff.

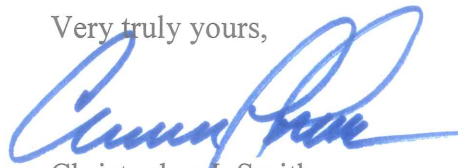
On behalf of the Applicant and the Applicant's development team, we look forward to processing this exciting adaptive reuse or redevelopment proposal with the Commission and Town.

Chairman Paul Lebowitz, and  
Westport Planning and Zoning Commission  
c/o Mary Young  
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Thank you for your anticipated cooperation and assistance concerning this matter.

As always, best regards.

Very truly yours,



Christopher J. Smith  
Alter & Pearson, LLC  
Attorneys and Agent for  
1480 PRE Associates, LLC

cc: 1480 PRE Associates, LLC (w/ enclosures)



# Notice Letter

*To whom it may concern:*

Date Application Submitted: January 28, 2019

This letter is being sent to you to make you aware of the Application listed below.

Notice is hereby given that 1480 PRE Associates, LLC has filed a Site Plan Application  
( *Print Applicant's Full Name* ) ( *List Type of Application* )

For Listed Proposed Project Description below ( *Copy from Line #10* ):

Please see attached letter from Christopher Smith, Esq. dated January 24, 2019 attached hereto.

With the Town of Westport / *Planning and Zoning*

For approval for 1480 Post Road East, Westport, CT  
( *Address of Property* )

The public hearing date for this application will be, scheduled at the discretion of the P&Z Commission.  
A Legal Notice of Public Hearing for this application will be, published twice prior to the hearing in a local newspaper.

**To view application details please:**

Visit [www.westportct.gov](http://www.westportct.gov) under *Planning & Zoning Department, Pending Applications*, or  
Visit the P&Z office in room 203 at Town Hall, 110 Myrtle Ave, Westport, CT 06880. Monday - Friday 8:30 - 4:30

**To submit a letter of support or objection for above project:** Mail or E-mail letter to [pandz@westportct.gov](mailto:pandz@westportct.gov).

**For Future Reference:**

If you wish to receive E-mail Notifications of future hearings follow these directions:

1. Go to Town Website at [www.westportct.gov](http://www.westportct.gov).
2. On left tool bar Click: **Sign up for e-Notification**, Subscription page will open.
3. Type in your E-mail Address, *twice as requested*.
4. Click each **Board / Committee / Category** you want to receive E-mail Notifications from.
5. When you complete your selections, Click: **Subscribe**.
6. You will soon receive an E-mail confirmation.

Thank you, 1480 PRE Associates, LLC  
( *Print Applicant's Full Name* )

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ALTER  
PEARSON, LLC  
ATTORNEYS AT LAW

Christopher J. Smith  
csmith@alterpearson.com

701 Hebron Avenue  
P.O. Box 1530  
Glastonbury, CT 06033

860.652.4020 TELEPHONE  
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an adjoining municipality. No significant portion of the traffic relating to the proposed development will use streets within an adjoining municipality to enter or exit the site. No significant portion of the sewer or water drainage from the site will flow through and significantly impact the drainage or sewerage system within an adjoining municipality. No water runoff from the improved site will impact streets or other municipal or private property within an adjoining municipality.

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January 28, 2019  
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*III.    Conclusion:*

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4.     "Housing Affordability Plan for Household Income and Rental Price Restrictions for Workforce Homes, Mixed Income Units, Submission Draft, January 2019".
5.     A proposed conceptual site development plan.
6.     Requisite filing fees. Any additional filing fees will be submitted once determined by the Commission's professional staff.

On behalf of the Applicant and the Applicant's development team, we look forward to processing this exciting adaptive reuse or redevelopment proposal with the Commission and Town.



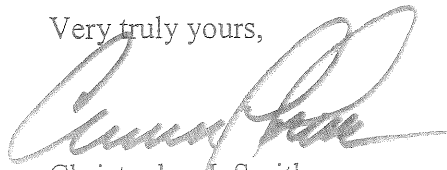
ALTER  
PEARSON, LLC  
ATTORNEYS AT LAW

Chairman Paul Lebowitz, and  
Westport Planning and Zoning Commission  
c/o Mary Young  
January 28, 2019  
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Thank you for your anticipated cooperation and assistance concerning this matter.

As always, best regards.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Chris Smith", written over a light gray background.

Christopher J. Smith  
Alter & Pearson, LLC  
Attorneys and Agent for  
1480 PRE Associates, LLC

cc: 1480 PRE Associates, LLC (w/ enclosures)